

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DOLLY E. FEREBEE, *for herself and others
similarly situated*,

Plaintiff,

v.

NYCOLE MACKLIN, et al.,

Defendants.

CIVIL ACTION

NO. 22-1155-KSM

ORDER

AND NOW, this 4th day of November, 2022, upon consideration of Defendants' Motions to Dismiss (Doc. Nos. 22, 23), Plaintiffs' response (Doc. No. 24) and Defendants' reply (Doc. No. 25), and for the reasons set forth in the accompanying Memorandum, it is **ORDERED** that the Defendants' Motions to Dismiss (Doc. Nos. 22, 23) are **GRANTED in part and DENIED in part**. It is further **ORDERED** as follows:

1. The claims against the Individual Defendants and the § 1983 Fourth Amendment claim are **DISMISSED, with prejudice**.
2. The § 1983 due process claim is **DISMISSED** against the City only, for failure to allege *Monell* liability, **without prejudice**.
3. Both Defendants' motions to dismiss the declaratory judgment claim are **DENIED**.

IT IS SO ORDERED.

/s/**KAREN SPENCER MARSTON**

KAREN SPENCER MARSTON, J.